

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

UNITED STATES OF AMERICA,

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Plaintiff,

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vs.

\* No. 4:07cr00307 SWW

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DAX RAMON PHILLIPS,

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Defendant.

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ORDER

By Memorandum and Order entered April 21, 2008 [doc.#25], this Court found Dax Ramon Phillips, on a charge of attempted bank robbery, not guilty only by reason of insanity. Pursuant to 18 U.S.C. § 4243(a), this Court directed that Phillips be committed to the custody of the United States Attorney General for placement in a suitable facility and that pursuant to 18 U.S.C. § 4243(b) and § 4247(b) and (c), a psychological examination be conducted by Jason V. Dana, Psy.D, Forensic Studies Unit Psychologist at the Federal Bureau of Prisons' Metropolitan Correctional Center in Chicago, Illinois, and a psychological report prepared and filed with the Court.<sup>1</sup> Having since consulted with the government, the Court vacates that portion of the April 21<sup>st</sup> Memorandum and Order directing that the examination be conducted by Dr. Dana and, instead, the Court only directs that pursuant to 18 U.S.C. § 4243(a), Phillips be committed to the custody of the United States Attorney General for placement in a suitable facility and that pursuant to 18 U.S.C. § 4243(b) and § 4247(b) and (c), a psychiatric or psychological examination be conducted and a psychiatric or psychological report prepared and filed with the

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<sup>1</sup> Jason Dana is the psychologist who conducted previous examinations of Phillips.

Court. The Court will hold a commitment hearing within forty (40) days of the entry of the April 21<sup>st</sup> Memorandum and Order in accordance with 18 U.S.C. § 4243(c) at which Phillips will have the burden of proving by clear and convincing evidence that his release would not pose a substantial risk of bodily injury or serious injury to property. *See* 18 U.S.C. § 4243(d). *See also* *United States v. LaFrombosie*, 836 F.2d 1149, 1150-51 (8<sup>th</sup> Cir. 1988); *United States v. Wallace*, 845 F.2d 1471, 1472 (8<sup>th</sup> Cir. 1988).<sup>2</sup>

IT IS SO ORDERED this 25<sup>th</sup> day of April 2008.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE

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<sup>2</sup> The hearing is presently set for May 21, 2008.